

ANTHONY J. CUGINI, JR., ESQ. (AC 2470)  
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Attorney for Plaintiff  
Daniel Polanco

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
DANIEL POLANCO,

Plaintiff,

-against-

NOTICE OF MOTION  
08 CV5028 (SHS) (RLE)

PICCININNI, INC. AND PETER PICCININNI,  
Defendants.  
\_\_\_\_\_x

PLEASE TAKE NOTICE that upon the affirmation of Anthony J. Cugini, Jr., Esq. dated June 20, 2008, the affidavit of plaintiff Daniel Polanco, sworn to the 18<sup>th</sup> day of June 2008, the exhibits annexed hereto and all prior proceedings had herein, plaintiff Daniel Polanco will move this Court of the United States District Court of the Southern District of New York, located at 500 Pearl Street, Rm. 23A, New York, New York, on July 11, 2008, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order:

a. remanding the within personal injury action to the Supreme Court of the State of New York, Bronx County from which it was improperly removed, pursuant to 28 U.S.C. Sec. 1447(c);

b. awarding plaintiff costs, disbursements and attorney's fees associated with the making of the instant motion; and

c. granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are requested to be served on the undersigned at least two(2) days prior to the return date of this motion.

Dated: New York, New York  
June 20, 2008



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TO:  
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